

H-8133

1 Amend House File 2437 as follows:

2 1. Page 5, by striking lines 22 through 31 and
3 inserting:

4 <Sec. _____. Section 321.194, Code 2016, is amended
5 to read as follows:

6 **321.194 Special minors' licenses.**

7 1. ~~Driver's license issued for travel to and from~~
8 ~~school~~ Persons eligible. Upon certification of a
9 special need by the school board, superintendent of
10 the applicant's school, or principal, if authorized by
11 the superintendent, the department may issue a class
12 C or M driver's license to a person between the ages
13 of fourteen and eighteen years ~~whose~~ if all of the
14 following apply:

15 a. The person's driving privileges have not been
16 suspended, revoked, or barred under this chapter or
17 chapter 321J during, and ~~who~~ the person has not been
18 convicted of a moving traffic violation or involved
19 in a motor vehicle accident for, the six-month period
20 immediately preceding the application for the special
21 minor's license ~~and who.~~

22 b. The person has successfully completed an
23 approved driver education course. However, the
24 completion of a course is not required if the applicant
25 demonstrates to the satisfaction of the department
26 that completion of the course would impose a hardship
27 upon the applicant. The department shall adopt rules
28 defining the term "*hardship*" and establish procedures
29 for the demonstration and determination of when
30 completion of the course would impose a hardship upon
31 an applicant.

32 2. Driving privileges.

33 a. Permitted operations. The driver's license
34 entitles the holder, while having the license in
35 immediate possession, to operate a motor vehicle other

1 than a commercial motor vehicle or as a chauffeur:

2 (1) During the hours of 5:00 a.m. to 10:00 p.m.
3 over the most direct and accessible route between the
4 licensee's residence and schools of enrollment or
5 the closest school bus stop or public transportation
6 service, and between schools of enrollment, for
7 the purpose of attending duly scheduled courses of
8 instruction and extracurricular activities within the
9 school district of enrollment.

10 (2) During the hours of 5:00 a.m. to 10:00 p.m.
11 over the most direct and accessible route between the
12 licensee's residence or school of enrollment and a
13 site, facility, or school that is not the student's
14 licensee's school of enrollment for the purpose of
15 participating in extracurricular activities conducted
16 under a sharing agreement with the student's licensee's
17 school of enrollment or conducted at a site or facility
18 designated by the licensee's school district for
19 the accommodation of the school's extracurricular
20 activities, provided the site, facility, or school is
21 within the licensee's school district of enrollment
22 or is within a school district contiguous to the
23 licensee's school district of enrollment.

24 (3) To a service station for the purpose of
25 refueling, so long as the service station is the
26 station closest to the route the licensee is traveling
27 on under subparagraph (1) or (2).

28 (4) At any time when the licensee is accompanied in
29 accordance with [section 321.180B, subsection 1](#).

30 *b. Restrictions.*

31 (1) Passengers. Unless accompanied in accordance
32 with [section 321.180B, subsection 1](#), a person issued
33 a driver's license pursuant to [this section](#) must
34 limit the number of unrelated minor passengers in
35 the motor vehicle when the licensee is operating the

1 motor vehicle to one. For purposes of **this section**,
2 "*unrelated minor passenger*" means a passenger who is
3 under eighteen years of age and who is not a sibling of
4 the driver, a stepsibling of the driver, or a child who
5 resides in the same household as the driver.

6 (2) *Electronic communication devices.* A person
7 issued a driver's license under this section shall not
8 use an electronic communication device or an electronic
9 entertainment device while driving a motor vehicle
10 unless the motor vehicle is at a complete stop off the
11 traveled portion of the roadway. This subparagraph
12 does not apply to the use of electronic equipment which
13 is permanently installed in the motor vehicle or to a
14 portable device which is operated through permanently
15 installed equipment. The department, in cooperation
16 with the department of public safety, shall establish
17 educational programs to foster compliance with the
18 requirements of this subparagraph.

19 ~~e.~~ 3. *Certification of need and issuance of*
20 *license.* Each application shall be accompanied by
21 a statement from the school board, superintendent,
22 or principal, if authorized by the superintendent,
23 of the applicant's school. The statement shall be
24 upon a form provided by the department. The school
25 board, superintendent, or principal, if authorized by
26 the superintendent, shall certify that a need exists
27 for the license and that the board, superintendent,
28 or principal authorized by the superintendent is not
29 responsible for actions of the applicant which pertain
30 to the use of the driver's license. Upon receipt of a
31 statement of necessity, the department shall issue the
32 driver's license provided the applicant is otherwise
33 eligible for issuance of the license. The fact that
34 the applicant resides at a distance less than one mile
35 from the applicant's school of enrollment is prima

1 facie evidence of the nonexistence of necessity for
2 the issuance of a license. The school board shall
3 develop and adopt a policy establishing the criteria
4 that shall be used by a school district administrator
5 to approve or deny certification that a need exists for
6 a license. The student may appeal to the school board
7 the decision of a school district administrator to
8 deny certification. The decision of the school board
9 is final. The driver's license shall not be issued
10 for purposes of attending a public school in a school
11 district other than either of the following:

12 (1) a. The district of residence of the parent or
13 guardian of the student.

14 (2) b. A district which is contiguous to the
15 district of residence of the parent or guardian of
16 the student, if the student is enrolled in the public
17 school which is not the school district of residence
18 because of open enrollment under [section 282.18](#) or as
19 a result of an election by the student's district of
20 residence to enter into one or more sharing agreements
21 pursuant to the procedures in [chapter 282](#).

22 ~~d. (1) A person issued a driver's license under~~
23 ~~this section shall not use an electronic communication~~
24 ~~device or an electronic entertainment device while~~
25 ~~driving a motor vehicle unless the motor vehicle is~~
26 ~~at a complete stop off the traveled portion of the~~
27 ~~roadway. This subparagraph does not apply to the use~~
28 ~~of electronic equipment which is permanently installed~~
29 ~~in the motor vehicle or to a portable device which is~~
30 ~~operated through permanently installed equipment.~~

31 (2) ~~The department, in cooperation with the~~
32 ~~department of public safety, shall establish~~
33 ~~educational programs to foster compliance with the~~
34 ~~requirements of subparagraph (1).~~

35 ~~2.~~ 4. *Suspension and revocation.* A driver's

1 license issued under [this section](#) is subject to
2 suspension or revocation for the same reasons and
3 in the same manner as suspension or revocation of
4 any other driver's license. The department may also
5 suspend a driver's license issued under [this section](#)
6 upon receiving satisfactory evidence that the licensee
7 has violated the restrictions of the license or has
8 been involved in one or more accidents chargeable to
9 the licensee. The department may suspend a driver's
10 license issued under [this section](#) upon receiving a
11 record of the licensee's conviction for one violation.
12 The department shall revoke the license upon receiving
13 a record of conviction for two or more violations of a
14 law of this state or a city ordinance regulating the
15 operation of motor vehicles on highways other than
16 parking violations as defined in [section 321.210](#).
17 After a person licensed under [this section](#) receives two
18 or more convictions which require revocation of the
19 person's license under [this section](#), the department
20 shall not grant an application for a new driver's
21 license until the expiration of thirty days.

22 ~~3.~~ 5. *Citations for violation of restrictions.* A
23 person who violates the restrictions imposed under
24 subsection ~~1~~, paragraph "~~a~~" or "~~d~~", 2 may be issued a
25 citation under [this section](#) and shall not be issued a
26 citation under [section 321.193](#). A violation of the
27 restrictions imposed under subsection ~~1~~, paragraph "~~a~~"
28 or "~~d~~", 2 shall not be considered a moving violation.

29 Sec. _____. Section 321.482A, unnumbered paragraph 1,
30 Code 2016, is amended to read as follows:

31 Notwithstanding [section 321.482](#), a person who is
32 convicted of operating a motor vehicle in violation
33 of [section 321.178](#), subsection 2, paragraph "~~a~~",
34 subparagraph (2), [section 321.180B](#), subsection 6,
35 [section 321.194](#), subsection ~~1~~ 2, paragraph "~~d~~" "b",

1 subparagraph (2), [section 321.256](#), [section 321.257](#),
2 [section 321.275](#), subsection 4, [section 321.276](#),
3 [321.297](#), [321.298](#), [321.299](#), [321.302](#), [321.303](#), [321.304](#),
4 [321.305](#), [321.306](#), [321.307](#), [321.308](#), [section 321.309](#),
5 subsection 2, or [section 321.311](#), [321.319](#), [321.320](#),
6 [321.321](#), [321.322](#), [321.323](#), [321.324](#), [321.324A](#), [321.327](#),
7 [321.329](#), [321.333](#), or [321.372](#), subsection 3, causing
8 serious injury to or the death of another person may be
9 subject to the following penalties in addition to the
10 penalty provided for a scheduled violation in section
11 805.8A or any other penalty provided by law:>
12 2. By renumbering as necessary.

B. MOORE of Jackson